

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

MICHAEL GERARD McGREGOR, #1082974 §

VS. § CIVIL ACTION NO. 9:05cv159

DIRECTOR, TDCJ-CID §

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Harry W. McKee, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be denied. The Petitioner has filed objections.

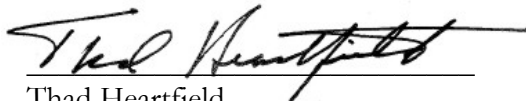
The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the petitioner thereto, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and that the objections by the petitioner are without merit.

The petitioner argued in his objections that he is entitled to habeas corpus relief because he was denied due process. Federal habeas relief is unavailable unless the petitioner has a protected liberty interest. *Malchi v. Thaler*, 211 F.3d 953, 957 (5th Cir. 2000). The petitioner is not entitled to relief because a protected liberty interest is not at stake since he did not lose any good time. *Madison v. Parker*, 104 F.3d 765, 769 (5th Cir. 1997). Moreover, even if he had lost good time, he would not be entitled to relief because he is not eligible for release on mandatory supervision due to his life sentence. *See Arnold v. Cockrell*, 306 F.3d 277 (5th Cir. 2002). The petitioner is not

entitled to federal habeas corpus relief under the circumstances of this case. Thus the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

ORDERED that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** with prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

SIGNED this the **8** day of **September, 2005**.


Thad Heartfield
United States District Judge